



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

July 24, 2020

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Joe Liebau Jr.
Chief of Staff

TO: Kurt Thiede
Regional Administrator

I have previously consulted with the Office of General Counsel Ethics Office and the Region's ethics team and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and the Region's ethics team and been advised that I do not currently have any significant financial conflicts of interest. I will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

I am in an Administratively Determined position and have been advised by OGC/Ethics that I am not considered an appointee for purposes of Executive Order 13770 and, therefore, not required to sign the Trump Ethics Pledge. As an executive branch employee, I understand that I am subject to the federal impartiality standards and have a "covered relationship" with my former employer, the Wisconsin Department of Natural Resources (WDNR), which is a state government. However, on March 18, 2020, EPA's Alternate Designated Agency Ethics Official issued an impartiality determination that authorizes me to participate in specific party matters that involve the State of Wisconsin, but not on the very same specific party matters I worked on

personally and substantially while employed with the WDNR. Below is a list of matters from which I am recused, given my role at WDNR.

SCREENING ARRANGEMENT

To ensure I do not participate in matters relating to any of the entities listed below, I will instruct the Deputy Regional Administrator (DRA), Region 5, and Regional Administrator assistants (identified in the cc: list below) to assist in screening EPA matters directed to my attention that involve those entities.¹ To help ensure I do not inadvertently participate in matters from which I am recused, I am directing the DRA to seek the assistance of the Region 5 Ethics Team and/or OGC/Ethics if she is ever uncertain whether I may participate in a matter. All inquiries and comments involving the entities on my recusal list should be directed to the DRA without my knowledge or involvement until after my recusal period ends.

If the DRA determines, with input from Region 5 Ethics and/or OGC/Ethics as appropriate, that a particular matter will directly involve any of the entities on my “specific party” recusal list, she will take action or assign it to another, without my knowledge or involvement. I will provide a copy of this memorandum to my principal subordinates, Justina Fugh, Director, Ethics Office, and Ann Coyle, Regional Ethics Attorney.

UPDATE AS NECESSARY

In consultation with the Ethics Office or the Regional ethics team, I will revise and update my recusal statement whenever warranted by changed circumstances, including a determination that I worked personally and substantially on a particular matter, not yet identified, while at WDNR, changes in my financial interests, changes in my personal or business relationships, or changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you, OGC/Ethics, and my principal subordinates.

cc: Justina Fugh, Director, Ethics Office
Cheryl Newton, Deputy Regional Administrator, Region 5
Leverett Nelson, Regional Counsel, Region 5
Ann Coyle, Regional Ethics Counsel, Region 5
Felicia Williams, Executive Assistant to the Regional Administrator
Marjorie Marshall, Secretary

Joe Liebau–Wisconsin Department of Natural Resources Recusal	
Company/Matter	Statute(s)
Foxconn	Various
Kohler Golf Course	CWA
Mid-America Steel Drum a/k/a Greif a/k/a CLCM (Milwaukee)	Various
Waterford Wetland District Dredging Project	CWA

¹ I have consulted with the regional ethics attorney and determined that I was not personally and substantially involved in the Solvay Coke Superfund Site or the Enbridge pipeline project while employed with WDNR.